IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2524 OF 2006

Dr.Shwetank Jain .. Applicant.
Vs.
State of Maharashtra & Anr. .. Respondents.

WITH

CRIMINAL APPLICATION NO.2564 OF 2006

Dr.Shwetank Jain .. Applicant.
Vs.
State of Maharashtra & Anr. .. Respondents.

Mr.Shailesh Kumar for the applicant.
Mr.A.S.Shitole A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 21ST JULY, 2006

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The complaints under section 138 of the Negotiable Instruments Act were filed in 1996. The process was issued and summons were served on the applicant-accused in 1998. The applicants have challenged the order of "issue process" for the first time in 2005 when the case reached for hearing. I am informed that the complainant has already filed an affidavit in examination-in-chief. The application suffers from gross delay and latches. Keeping that in

view and considering that the process was issued on the basis of the averments in the complaint and the documents annexed thereto have presumptive value in law, I do not find any reason or ground to entertain those applications seeking to challenge the order of "issue process" passed by the Metropolitan Magistrate, 31st Court at Vikhroli, Mumbai at this stage. Hence the criminal applications are rejected. The hearing of all the cases before the Magistrate is expedited.

(D.B.Bhosale, J.)